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C O N F I D E N T I A L SECTION 01 OF 02 ANTANANARIVO 000589

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SUBJECT: MADAGASCAR: LEADERS REACH CONSENSUS, BUT MUCH WORK REMAINS

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Classified By: POLOFF JEFF HULSE FOR REASONS 1.4 B AND D.

¶1. (C) SUMMARY: The leaders of Madagascar's four main political movements had an unexpectedly productive series of talks in Maputo, Mozambique from August 5 to 9, and have taken an important first step towards the creation of a consensual, inclusive transition government to see the country through elections by November 2010. Some of the most contentious issues remain unresolved, such as the assignment of positions in the transition government and the extent of an amnesty for former President Ravalomanana, but this is the first time that all the key players have agreed on a structure and timeline (of 15 months) for the transition period. The leaders currently plan a "Maputo II" follow-up meeting around August 19, and have agreed to form the unity government within 30 days (by September 8). Initial reactions in country have been largely positive, although some of the current regime's more intransigent elements, and the military have yet to weight in. END SUMMARY.

SIX AGREEMENTS IN FOUR DAYS

¶2. (SBU) In four days of negotiations in Maputo, Madagascar's "Big Four" political leaders (current transition President Andry Rajoelina, and former Presidents Albert Zafy, Didier Ratsiraka, and Marc Ravalomanana) signed six separate agreements, resolving many of the key roadblocks in previous talks:

- The Maputo Political Agreement: a broad document outlining the structure and duration of the transition, with details on the organization of elections, amnesties and annulments, the status of former heads of state, plans for modifying the constitution, and the role of the international community during the transition and elections.

- The Transition Charter: further elaborates on the Political Agreement, and provides details on the functions and priorities for each element of the transition government.

- The Charter of Values: a brief statement of values to be observed during the negotiations and the transition period, including non-violence, non-discrimination, and tolerance, among others.

- Agreement on the annulment of convictions from the events of 2002 in Madagascar: a comprehensive amnesty deal concerning Madagascar's previous political crisis, which

resulted in numerous politically-motivated convictions of supporters of former President Ratsiraka.

- Agreement on the case of President Ravalomanana: specifically requests the annulment of Ravalomanana's recent conviction for misuse of public funds in the purchase of a presidential plane in December 2008.

- Agreement on the annulment of convictions of political, civil, and military figures under the Ravalomanana regime: requests the annulment of politically-motivated convictions from December 2002 to August 2009.

¶13. (SBU) The Maputo Political Agreement ("The Agreement") contains the most immediately salient points, and lays out the gaps to be filled through further talks. It foresees a transition of no more than 15 months, during which there will be a referendum on the constitution, and legislative and presidential elections. The transition administration will be headed by a President and Vice President, and the "government" will be composed of 32 members: 1 Prime Minister, 3 Deputy Prime Ministers, and 28 ministers (reportedly to be evenly divided up among the four movements). Members of the government (which does not include the President and Vice President) will not be permitted to run in the presidential election - although they are not barred from the legislative elections. The Agreement envisions a bicameral transition parliament, with an upper house (Supreme Council of the Transition) of 65 members, and a lower house (Congress of the Transition) of 258 members, with Ravalomanana appointing 90 members, and the other three movements appointing 56 each. In addition, the transition government will include a Council for National Reconciliation, an Economic and Social Council, a National Defense and Security Think Tank, a High Court of the

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Transition (replacing the current High Constitutional Court), and an Independent National Electoral Commission.

¶14. (SBU) The Agreement has 10 articles specifically dealing with issues of amnesty and "national reconciliation". In general, it provides for either an amnesty or an annulment for politically-motivated convictions from January 1, 2002 to the date of signature (August 9). Crimes against humanity, war crimes, genocide, and grave human rights violations are excluded, which will allow for further debate on a wide range of incidents including responsibility for the massacre on February 7, 2009 in central Antananarivo, as well as older cases such as that of Colonel Coutiti, who was convicted by the Ravalomanana regime for torture and war crimes in 2002 but was released to house arrest in April 2009 by Rajoelina. Ratsiraka and his political cohort of 2002 are the most clear-cut beneficiaries, as the Agreement paves the way for him and presidential-hopeful Pierrot Rajaonarivelo to re-enter politics. The Agreement could also result in the imminent release of a number of high-profile political prisoners from the past six months - including members of Ravalomanana's "Legalist" government, appointed in April 2009 - which would be a significant confidence-building measure going into a second round of talks.

NOW FOR THE HARD PART: DIVIDING UP THE JOBS

¶15. (C) At present, the Big Four plan to regroup for a "Maputo II" conference in Mozambique within 10 days (on/around August 19), at which point they will address the most contentious issue left unresolved: who will hold what post in the transition government. None of the documents signed to date indicate actual appointments, although since his return Rajoelina has indicated to the press (and to his advisors) that he expects to keep his position as president. The other leaders may accept this, but it will likely mean that the Prime Minister's job must go to a Ravalomanana appointment - even though current PM Monja previously indicated his

intention to stay put (reftel). Given that the current cabinet is stocked with pro-Rajoelina ministers, it is also likely that three quarters of them will soon be unemployed. If Rajoelina is not prepared for real compromise on these positions in the next round of talks, they are unlikely to succeed.

¶6. (C) There also remain several unanswered questions about Ravalomanana's status that must be addressed. While his recent conviction over the December 2008 purchase of a presidential jet should be thrown out per these agreements, he will no doubt be keen for a more comprehensive amnesty deal to cover his activities as embattled head of state from January to March 2009. The uncertainty over his eventual return to Madagascar may be a reflection of this; his wife has indicated that she plans to return soon, but he has stated to the press that he intends to remain abroad for the near future, and regardless does not intend to play an active role in the transition government.

¶7. (C) COMMENT: These agreements are a positive step in the right direction; after six months of bickering over amnesty deals, elections, and the composition of a transition government, the feuding parties finally have a framework through which to address key issues that will get Madagascar back on a path towards rule of law and, eventually, democratic government. However, Post is holding back on publicly acknowledging this progress until it is apparent that Rajoelina's entire government is prepared to accept it, and the current regime takes concrete steps to meet its new obligations - such as actually releasing political prisoners, and reining in their abusive security forces. In a hopeful sign that local actors are buying into the agreements, the daily Legalist rallies at Ravalomanana's Magro store have been temporarily suspended; it is time for Rajoelina's government to meet its words with action as well. END COMMENT.

STROMAYER